

**ENTERED**

April 18, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

DONALD PARKER, *et al*

VS.

SOCIAL SECURITY ADMINISTRATION

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§  
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§  
§

CIVIL ACTION NO. 4:18-CV-3917

**ORDER ADOPTING MEMORANDUM AND ORDER**

Pending before the Court in the above referenced proceeding is Defendant's Motion to Dismiss (Doc. 11), Plaintiffs' response (Doc. 12) and Magistrate Judge Stacy's Memorandum and Recommendation that the Court grant the Defendant's Motion to Dismiss and dismiss Plaintiffs' Complaint without prejudice.

Upon review, the Court agrees with the Magistrate Judge's conclusion that Plaintiffs' factual allegations and causes of action appear to arise out of their not receiving SSI or DIB, and because they have failed to exhaust their administrative remedies, and have not raised a collateral constitutional claims such as to waive the exhaustion requirement, the Court cannot exercise jurisdiction over their claims. Accordingly, it is hereby

**ORDERED** that the Memorandum and Recommendation (Doc. 13) is **ADOPTED**. It is further

**ORDERED** that Defendant's Motion to Dismiss (Doc. 11) is **GRANTED** and Plaintiffs' case is **DISMISSED WITHOUT PREJUDICE**.

Entry of this Order shall constitute entry of final judgment.

SIGNED at Houston, Texas, this 16th day of April, 2019.



ANDREW S. HANEN  
UNITED STATES DISTRICT JUDGE